

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 135.11, the Department of Public Health hereby gives Notice of Intended Action to amend Chapter 7, “Immunization and Immunization Education: Persons Attending Elementary or Secondary Schools, Licensed Child Care Centers or Institutions of Higher Education,” Iowa Administrative Code.

These proposed amendments are necessary to implement 2013 Iowa Acts, Senate File 419, to modify the Iowa Immunization Registry (hereinafter referred to as the registry) to capture “health screening records” to include vision screening records specified in 2013 Iowa Acts, Senate File 419. The proposed amendments will also change the type of medical provider that will have access to the registry for the purpose of health screenings as well as how records are to be shared between agencies.

Any interested person may make written comments or suggestions on the proposed amendments on or before December 31, 2013. Such written comments should be directed to Bridget Konz, Bureau of Immunization and TB, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to bridget.konz@idph.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 2013 Iowa Acts, Senate File 419.

The following amendments are proposed.

ITEM 1. Amend rule **641—7.1(139A)**, definition of “Immunization registry,” as follows:

“*Immunization registry*” or “*registry*” means the database and file server maintained by the department as well as the software application that allows enrolled users to exchange immunization or health screening records.

ITEM 2. Adopt the following **new** definitions in rule **641—7.1(139A)**:

“*Health screening*” means a vision screen, dental screen or other public health screening.

“*Screening provider*” means an ophthalmologist, optometrist, pediatrician, family practice physician, free clinic, child care center, local public health department, public or accredited nonpublic school, community-based organization, advanced registered nurse practitioner (ARNP), physician assistant, dentist or dental hygienist.

ITEM 3. Amend rule 641—7.11(22) as follows:

641—7.11(22) Iowa’s immunization Statewide registry.

7.11(1) Statewide registry. The department shall maintain a statewide immunization and health screening registry. Enrolled users are responsible for purchasing and maintaining all computer hardware related to use of the registry and for providing an Internet connection to transfer information between the user’s computer and the registry.

7.11(2) Purpose and permitted uses of registry.

a. The registry shall ~~consist of~~ contain immunization and health screening information, including identifying and demographic data, to allow enrolled users to maintain and access a database of immunization and health screening histories for purposes of ensuring that patients are fully immunized and screened.

b. and c. No change.

d. The registry shall contain health screening data, including screening results and follow-up information.

7.11(3) Release of information to the registry. Enrolled users shall provide immunization and health screening information, including identifying and demographic data, to the registry. Information provided may include, but is not limited to, the following:

a. to m. No change.

n. Date of health screening;

o. Health screening results;

p. Source of health screening;

q. Health screening follow-up information;

~~*r.*~~ Patient comments;

~~*s.*~~ Provider name, license, and business address; and

~~*t.*~~ Patient history, including previously unreported doses.

7.11(4) Confidentiality of registry information. Immunization and health screening information, including identifying and demographic data maintained on the registry, is confidential and may not be disclosed except under the following limited circumstances:

a. The department may release information from the registry to the following:

(1) The person ~~immunized~~ or the parent or legal guardian of the person immunized; or screened.

(2) No change.

(3) Persons or entities requesting immunization or health screening data in an aggregate form that does not identify an individual either directly or indirectly.

(4) to (6) No change.

(7) Enrolled users from other states or jurisdictions who have signed and completed enrollment in the state's or jurisdiction's immunization registry.

b. Enrolled users shall not release ~~immunization~~ data obtained from the registry except to the person ~~immunized~~, or the parent or legal guardian of the person immunized or screened, admitting officials of licensed child care centers and schools, medical or health care providers providing continuity of care, and other enrolled users of the registry.

ITEM 4. Amend rule 641—7.12(22) as follows:

641—7.12(22) Release of immunization and health screening information.

7.12(1) *Between a physician, physician assistant, nurse, ~~or certified medical assistant~~, or screening provider and the elementary, secondary, or postsecondary school or licensed child care center that the student attends.* A physician, a physician assistant, a nurse, ~~or a certified medical assistant~~, or a screening provider shall disclose a student's or patient's immunization or health screening information, including the ~~student's~~ name, date of birth, and demographic information, the month, day, year and vaccine(s) administered, health screening results and clinic source and location, to an elementary, secondary, or postsecondary school or a licensed child care center upon written or verbal request from the elementary, secondary, or postsecondary school or licensed child care center. Written or verbal permission from a student or parent is not required to release this information to an elementary, secondary, or postsecondary school or licensed child care center that the student attends.

7.12(2) *Among physicians, physician assistants, nurses, ~~or certified medical assistants~~, or screening providers.* Immunization or health screening information, including the student's or patient's last name, first name, date of birth, and demographic information, the month, day, year and vaccine(s) administered, health screening results and clinic source and location, shall be provided by a physician, physician assistant, nurse, ~~or certified medical assistant~~, or screening provider to another health care provider without written or verbal permission from the student, parent, ~~or guardian~~ or patient.

7.12(3) *Among an elementary school, secondary school, postsecondary school, and licensed child care center that the student attends.* An elementary school, secondary school, postsecondary school, and licensed child care center shall disclose a student's immunization or health screening information, including the student's last name, first name, date of birth, and demographic information, the month, day, and year of vaccine(s) administered, health screening results and clinic source and location, to

another elementary school, secondary school, postsecondary school, and licensed child care center that the student attends. Written or verbal permission from a student, or if the student is a minor, the student's parent or guardian, is not required to release this information to an elementary school, secondary school, postsecondary school, and licensed child care center that the student attends.

7.12(4) *Between the department and a physician, physician assistant, nurse, certified medical assistant, screening provider, elementary school, secondary school, postsecondary school, and licensed child care center. ~~A~~ The department, a physician, physician assistant, nurse, certified medical assistant, screening provider, elementary school, secondary school, postsecondary school, and licensed child care center shall disclose a student's or patient's immunization or health screening information in the format specified by the department, including the student's name, date of birth, grade, and demographic information, the month, day, year and vaccine(s) administered, health screening results and clinic source and location to the department or a physician, physician assistant, nurse, certified medical assistant, screening provider, elementary school, secondary school, postsecondary school, or licensed child care center upon written or verbal request from the department. Written or verbal permission from a student, or parent, guardian or patient is not required to release this information ~~to the department.~~*